

Application No. 10/695,656

REMARKS

Claims 1-23 are pending. By this Amendment, claims 1, 3, 5-10, 14, and 16-17 are cancelled and claim 18 is amended. After entry of this Amendment, claims 18-20 and 22-23 will remain pending in the present application.

Entry of this Amendment After Final is respectfully requested as it is believed to place the claims in condition for allowance. Amending and canceling of the claims in this Amendment After Final is done for the intent of moving the present application towards allowance. Applicant respectfully retains the right to pursue patent protection for the cancelled claims in a continuing application.

Rejection under Section 102

The Examiner rejected claims 1, 3-10 and 14-23 under 35 U.S.C. § 102(b) as being anticipated by Sparks et al., U.S. Patent No. 3,081,038, or in the alternative under 35 U.S.C. § 103(a) as being obvious over Sparks et al.

Independent claim 18 has been amended to indicate that the first cover is manually detached from the frame and the second cover is removably attached to the frame. This claim has also been amended to specify that the second cover has a different shape and/or color than the first cover.

Sparks et al. does not teach or suggest removably attaching to cover to the frame as is set forth in the amended independent claims. Rather, Sparks et al. indicate that the cover forms an enclosure that is designed to receive water to provide ballast. In light of the figures and illustrations in Sparks et al., removably attaching the cover to the frame would require significant revision of this sprinkler. There is no teaching or suggestion to make such a revision in Sparks et al., or otherwise referenced by the Examiner.

Prior to the claimed invention, no references including the references cited by the Examiner taught or suggested a method of lawn irrigation that permits the user to removably

Application No. 10/695,656

attach a first cover to the frame and then manually detach the first cover and thereafter removably attach a second cover to the frame.

Such a method enables to user to show a fondness or affiliation for different sports or different sports teams at different times of the years. For example, during football season, the user can purchase a relatively low cost cover to show support for a particular football team while obviating the need to purchase the relatively expensive other components such as the frame and the motor. The present invention also enables the user to readily switch stock car shaped covers depending on the team that wins weekly races.

In light of the preceding comments, it is submitted that the claims of the present application are not anticipated by or obvious when viewed in light of Sparks et al. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 1, 3-10 and 14-23 under 35 U.S.C. § 102(e) as being anticipated by Heren et al., U.S. Patent No. 6,604,697, or in the alternative under 35 U.S.C. § 103(a) as being obvious over Heren et al.

Without conceding the appropriateness of the Examiner's refusal to accept the previously submitted Declaration under Section 131, Applicant has chosen at this time to submit arguments in response to this rejection.

Heren et al. shows that the front wheels are attached to the cover and that the motor/back wheels are attached to the cover. Because of this configuration, users would not perceive the cover in the Heren et al. device as being removably attached to the frame so that the cover could be manually removed periodically to show fondness or support for different sports teams or organizations.

As is described in the specification of the present application, the front and back ends of the frame include tabs 98 extending therefrom and the front and back ends of the cover includes recesses 96 formed therein that are adapted to receive the tabs. Such a configuration enables the cover to be manually attached to and detached from the frame.

Application No. 10/695,656

Neither Heren et al. nor Sparks et al. when viewed individual or together teach or suggest a irrigation system that permits the user to readily change the appearance of the irrigation system by manually attaching the cover to the frame as is done with the present invention.

In light of the preceding comments, it is submitted that the claims of the present application are not anticipated by or obvious when viewed in light of Heren et al. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Michael A. Bondi  
Registration No. 39,616

Customer No. 24113  
Patterson, Thuenke, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5771